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Remarks - General

Applicant notes with appreciation that the finality of the previous Office Action has been withdrawn pursuant to 37 CFR 1.114.

Claim 187 has been amended to remedy the objection under section 112 enablement requirement.

Claims 181,184,185,188,189-194 have been amended for overcoming the rejection under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has placed the limitation of claim 193, "for allowing said frozen comestible to flow through said composite candy support," into claim 186 for a more complete disclosure. Applicant has also included the limitation of claims 189 and 198, "filling, nougat, yogurt," in claim 181 for a more complete disclosure.

The Objection under 35 U.S.C. Section 112, First Paragraph, Has Been Remedied

Regarding Section 112, first paragraph, the Office notes that

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claim 187 is rejected as failing to comply with the enablement requirement. The Office notes that the specification does not describe how a supported comestible *includes* a means for manufacturing, means for providing ingredients in a plurality of directions, means for providing a plurality of differing ingredients, means for monitoring the amount of ingredients, or means for providing protective packaging.

The "means" terminology in each successive listing after "means for inhibiting the breakage of said composite candy support," has been eliminated in order to comply with section 112, first paragraph.

The Objection under 35 U.S.C. Section 112, Second Paragraph, Has Been Rectified

The Office notes that claims 181,184,185,188,189-194 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Regarding claim 181, the claim includes the limitation "the other of said two discernable edible members. There is insufficient antecedent basis for this limitation in the claim since the claim

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form which it depends, (e.g. claim 179) recites two discernable edible members and there is no reference to one member.

Claim 181 has been corrected. Claim 181 now depends upon claim 180, which recites one of two discernable members.

Regarding claim 184, "wherein said plurality of members comprises candy, wherein said plurality of members comprises chewing gum, the Office notes that the claim is indefinite because it is not clear if the plurality of members includes both candy and gum or either candy or gum.

Applicant has removed the indefinite terminology of claim 184.

Regarding claim 185, "wherein said lollipop comprises candy, wherein said lollipop comprises chewing gum, wherein said lollipop comprises a cookie," the Office notes that the claim is indefinite because it is not clear if the lollipop comprise candy, gum, and a cookie or one of the three.

Applicant has corrected this ambiguity with a proper listing.

Regarding claim 187, the office notes, that a broad range or limitation together with a narrow range or limitation within the broad range or limitation is considered indefinite, since the

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resulting claim does not clearly set forth the metes and bounds of the patent protection desired. In the present instance, the claim recites the broad recitation "means for providing a plurality of differing ingredients running concentrically, parallel, or maneuvered within said composite candy support," and the claim also recites "including twisted within said composite candy support."

Claim 187 has been remedied by including "twisted" within the listing of optional placement of the members. This does not change the meaning of the claim.

Regarding claims 188 and 194, "wherein said protective mess guard comprises a non edible mess guard, wherein said protective mess guard comprise an edible mess guard," the Office notes that the claims are indefinite because it is not clear if the mess guard includes both an edible and non edible portion or if the mess guard includes either an edible mess guard or an non-edible portion.

Claims 188 and 194 have been amended to remedy the ambiguity.

**Applicant's Claims 179, 189, 195 and Their Dependent Claims
Clearly Define Over Musher Under Section 102**